

REMARKS

The Official Action mailed November 2, 2004, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 30, 1999, April 26, 2001, March 5, 2002, and April 12, 2002.

Claims 7-26 were pending in the present application prior to the above amendment. New claims 27-31 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 7-31 are now pending in the present application, of which claims 7, 11, 15, 19 and 23 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 7-26 as anticipated by U.S. Patent No. 6,586,874 to Komoto et al. The Applicants respectfully traverse the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants submit that an anticipation rejection cannot be maintained against the independent claims of the present application. Komoto does not teach all the elements of the independent claims, either explicitly or inherently. The independent claims recite a reflection type liquid crystal panel comprising an active matrix substrate and a counter substrate. The Official Action asserts that Komoto teaches "a reflection type liquid crystal panel (fig. 39), comprising an active matrix substrate 32 (fig. 16) and a Fresnel type reflection plate 200 (a counter substrate, fig. 39)" (page 2, Paper No.

20041019). That is, the Official Action asserts that Figure 16 of Komoto teaches a reflection type liquid crystal display panel comprising an active matrix substrate and that the Fresnel type reflection plate 200 shown in Figure 39 corresponds with the counter substrate of the independent claims of the present application. The Applicant disagrees with and traverses the above-referenced assertions.

The Applicant submits that "a reflection type liquid crystal pane" generally indicates a liquid crystal panel in which an external light is reflected on a surface of a reflective pixel electrode so as not to pass through an active matrix substrate on which thin film transistors are provided. The Applicant directs the Examiner's attention to U.S. Patent No. 6,384,818 to Yamazaki et al., which shows and describes an example of "a reflection type liquid crystal pane" in Figures 4A and 4B. The Applicant submits Yamazaki '818 merely as an illustrative example and further notes that Yamazaki '818 is not available as prior art.

On the other hand, Komoto appears to be directed to a transmission type liquid crystal panel (see, e.g., Figure 17; column 19, line 62+). For example, in Figure 16 of Komoto, light is emitted from a light source, transmits through an active matrix substrate, transmits through a pixel electrode, transmits through the counter substrate and is introduced to an observer. As such, the panel of Komoto is generally referred to as a transmission type liquid crystal panel. As such, the Applicants submit that the panel shown in Figure 16 of Komoto is distinguished from the reflection type liquid crystal pane of the present invention.

Also, it appears that the Official Action asserts that the Fresnel type reflection plate 200 in Figure 39 corresponds with "a counter substrate" as recited in independent claims 7, 11, 15, 19 and 23. However, the Applicant notes that a counter substrate is generally located over an active matrix substrate with a thin film transistor and pixel electrode therebetween, as shown, for example, in Figure 3 of the present application. The Applicant submits that the Fresnel type reflection plate 200 is not a counter substrate. Rather, it appears that substrate 39 as shown in Figure 16 is an example of

a counter substrate. As noted above, Figure 16 shows a transmission type liquid crystal panel. Although substrate 39 may be a counter substrate, substrate 39 is not part of a reflection type liquid crystal panel. As such, the Applicants submit that the Fresnel type reflection plate 200 shown in Figure 39 of Komoto is distinguished from the counter substrate of the present invention.

Therefore, Komoto does not teach a reflection type liquid crystal panel comprising an active matrix substrate and a counter substrate, either explicitly or inherently.

Since Komoto does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

New claims 27-31 have been added to recite additional protection to which the Applicant is entitled. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 27-31 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789